

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SUSAN CLESTER,

Civil No. 09-765-ST

Plaintiff,

v.

ORDER

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

MARSH, Judge.

Magistrate Judge Janice M. Stewart filed her Findings and Recommendation on January 7, 2011. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and

Recommendation #32. Plaintiff's Motion for Approval of Attorney Fees Pursuant to 42 USC §406(b) (docket #27) is GRANTED in the sum of \$18,682.25 from which the EAJA fee of \$5,580.00 will be subtracted.

IT IS SO ORDERED.

DATED this 31 day of January, 2011.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge